To: Secretary of State Debra Bowen
From: Judy Alter, President of Protect California Ballots
Re: Regulations concern Chapter 8. Recounts

Dear Secretary of State Debra Bowen:

I will refer to specific sections of the two documents posted on the CA Secretary of State Website.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

p. 2, paragraph 4: Proposed regulation 20813 contains a list of "relevant material" to be reviewed as part of the recount. This regulation refers to 15630 of the Elections Code which states that "[a]ll ballots, whether voted or not and any other relevant material. . . " This statement is important because the registrar of voters in Los Angeles told me that the unused ballots are destroyed. I am glad to see that they are not supposed to be destroyed but this requirement must stated in law clearly. Are the unused ballots stored along with the ballots with votes on them for the appropriate time specified?

Page 6, paragraph 2: Proposed regulation 20832 describes that the ballots with under and over votes are sorted and then the "ballots that were voted for the contest, sorted by candidate or position." The pre-sort guideline here is the first part of the "sort, stack, count, count" method of manually counting ballots. When the ballots are sorted by candidate or position and then read out loud for two people to tally, the most error prone part of the "read, observe, tally, tally" method can introduce into the process the highly repetitious and potentially monotonous way for the two people tallying to make mistakes. Here the candidates and or positions should remain unsorted and in an unpredictable order to overcome this serious potential for miscounts. Or write the regulations to introduce the counting of the stacks of ballots for each candidate or position twice, by each poll worker and, thus, explain the "sort, stack, count, count" method.

TEXT OF PROPOSED REGULATIONS

Page 1, definition (g): Please explain why "system redundant vote data" does not include the "jurisdiction's central electronic repository of results for that election." That repository of election results would show if the totals of the election being recounted were tabulated correctly. And those results have a back-up file that can also be viewed and checked for accuracy.

Page 2, Regulation 20813. Material to be Examined; Relevant Material (b) Please include "unused ballots" in this list to match the Informative Digest/Policy statement Overview discussed above.

Page 3, Regulation 20815. Cost of Recount. (e) states that the costs may include "supervision, security guards, members of the elections official's staff and administrative

costs." I have requested and paid for two recounts and been charged these costs even though the Election code 15625 states that the cost of the recount is only the cost of the counting boards at the poll worker rate, no even the inspector rate. I think that the job of elections officials is to conduct recounts. The state and county pays these salaries. Charging the citizen for their salaries makes recounts prohibitively expensive and has the effect of a "Strategic Lawsuit Against Public Participation" SLAPP. I even asked a legislator to write legislation clarifying that the cost of a recount is ONLY what EC 15625 states. Please reconsider this regulation.

Page 4, Regulation 20817. Security. Thank you for asking for written "chain of custody" documents. Our group has been requesting the written chain of custody documents for 4 years and the LA Registrar of Voters has not yet given us these documents.

Page 5, regulation 20818. Staffing. (a) You state that the elections official shall appoint four voters of the county etc. Can these voters be employees of the county election offices? In San Diego, all but one of the three counting boards were people employed in the elections office and therefore they were "double-dipping" and earning extra money while also collecting their salaries. Please clarify that this cannot happen unless they take vacation days.

Page.12, Regulation 20840. Recounts of Direct Recording electronic Voting Systems Using electronic Vote Results. I was trained during Recount New Mexico to recount DREs and so I firmly request that you include that:
    the data/vote totals from each DRE be printed out from the **non-volatile memory using the built in printer that each DRE contains** without the use of the memory card. Then this internally generated printout of results must be compared to the results from the memory card printed out by means of a computer. If the two results are not the same then you have found a serious discrepancy in the votes from that machine.
 Please include this guideline in your regulations. All DREs have this "back-up" memory and internal printer. Please use this to double-check the results.

All recounts of paper ballots will be simpler and faster using the "sort, stack, tally, tally" method of hand counting. Thank you for including the method in your code clean-up Omnibus bill.

Thank you for considering my comments.

Yours truly,

Judy Alter
President of Protect California Ballots